IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 12657 of 2006(F)

PETITIONER:

C.P. GIRI,
EMPLOYMENT NO.9129009, TELEPHONE MECHANIC, MUNNAR.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:

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1. THE PRINCIPAL GENERAL MANAGER,
BSNL, COCHIN-682 016.

2. THE ASSISTANT GENERAL MANAGER
(ADMINISTRATION), OFFICE OF THE PRINCIPAL GENERAL MANAGER, KALATHIPARAMBU ROAD, COCHIN-682 016.

3. NELSON T.R.,
CTSD, OFFICE OF THE DIVISIONAL ENGINEER, PIRAVOM.

*** 4. JOSEPH T.G.,**
STP, OFFICE OF THE DEPUTY GENERAL MANAGER, TRIPUNITHURA. (DELETED)

*** R4 IS REMOVED FROM THE PARTY ARRAY AS PER ORDER DT. 10.10.06 IN IA. 13947/06.**

BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.12657/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DT.21.8.03.

EXT.P2:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TOP THE 2ND RESPONDENT IN AUGUST 2004.

EXT.P3:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DT.11.7.05.

EXT.P4:- COPY OF THE DISCHARGE BILL ISSUED BY THE LISIE HOSPITAL DT.1.11.05.

EXT.P5:- COPY OF THE PROMOTION ORDER ISSUED BY THE 1ST RESPONDENT DT.9.9.05.

EXT.P6:- COPY OF THE JUDGMENT IN WP(C) NO.3783/06 DT.20.2.06.

EXT.P7:- COPY OF THE LETTER NO.ADMN- II/WP © 3783/06/11 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DT.1.5.06.

EXT.P8:- COPY OF THE COUNTER STATEMENT IN WP.(C) NO.3783 /06 DT.15.2.06.

EXT.P9:- COPY OF THE COMMUNICATION WITH THE APPLICATION OF MR.P.A.PARAMESWARAN DT.18.5.06.

ANNEXURE R1(a):- COPY OF THE ORDER DT.29.7.04.

EXT.R1(a):- COPY OF THE ORDER DT.29.7.04 ISSUED BY PGM, ADMINISTRATION WING, ENRAKULAM

EXT.R1(b):- COPY OF THE CIRCULAR DT.7.3.02 ISSUED BY THE DEPUTY GENERAL MANAGER BSNL, THIRUVANANTHAPURAM.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

W.P.(C) No.12657 of 2006

Dated 21st March, 2007.

J U D G M E N T

Essentially the petitioner seeks transfer to Tripunithura owing to the peculiar circumstances pertaining to his domestic situation and also because of his illness. The stand taken in the counter affidavit is that the petitioner happened to be transferred out of Tripunithura because of his officiating promotion to the cadre of Telecom Mechanic. In case he did not want a transfer consequent on such promotion, he was free to decline the same. It is also stated that there are 125 Telecom Mechanics awaiting transfer to Ernakulam, including to Tripunithura. Petitioner prays that in case he cannot be granted a transfer as of now based on the seniority to Tripunithura, his officiating promotion as such may be cancelled and he may be retained at Tripunithura. Petitioner may file an appropriate representation in that regard before the first respondent within one month from today, in which case, the request of

the petitioner will be considered and appropriate action in accordance with law in the light of the stand taken in the counter affidavit, and referred to above will be taken, within another one month.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 21st March, 2007.